

DATE

Mr. Anthony Baker  
320 Carroll Creek Rd.  
Coushatta, LA71019

**RE: Docket No. 2022-038  
Advisory Opinion**

Dear Mr. Baker:

The Louisiana Board of Ethics ("Board"), at its March 4, 2022 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit you from working for your father's company part-time while employed by the Louisiana Department of Transportation and Development ("DOTD").

#### **FACTS PROVIDED**

You are asking for an advisory opinion concerning whether the Code prohibits you from working part-time for your father, Richard Baker. Your father retired from DOTD in 2014 and started a construction inspection business, Baker HCIS, LLC, this year. Baker HCIS has been subcontracted by Hunt, Guillot & Associates, LLC, which was awarded a contract by the City of Ruston to perform construction inspection services on various sidewalk projects. DOTD and Federal Aid Funds fund these sidewalk projects.

You are currently a Bridge Inspector 5 QA/QC for the DOTD – Operations Division – Bridge Maintenance and Inspection Section in Baton Rouge, Louisiana and have been for one year. As a Bridge Inspector 5 QA/QC, you manage bridge inspections, inspecting in-service bridges that meet the applicable FHWA (Federal Highway Administration) requirements, processing paperwork that the district offices submit, and ensuring the QA/QC standards are met. Working for Baker HCIS, you would be performing construction inspection services on various things related to sidewalks, such as installing storm drains, asphalt paving, sidewalk installation, and associated miscellaneous work. As a Bridge Inspector 5 QA/QC, your responsibilities do not include sidewalk inspections or any of the scope of work Baker HCIS is undertaking pursuant to its subcontract.

#### **LAW**

**La. R.S. 42:1102(2)(a)(i)** defines "agency" to mean a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. "Agency of the public servant" and "his agency" when used in reference to the agency of a public servant shall mean for public servants in the twenty principal departments of the executive branch of state government, the office in which such public servant carries out his primary responsibilities.

**La. R.S. 42:1111(C)(2)(d)** provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any

thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency; conducts operations or activities which are regulated by the public employee's agency; or has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

**La. R.S. 42:1113(A)(1)(a)** states no public servant, excluding any legislator and any appointed member of any board of commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

#### ANALYSIS

La. R.S. 42:1111(C)(2)(d) prohibits a public servant and any legal entity's in which the public servant owns more than twenty-five percent from receiving any thing of economic value for service rendered or to be rendered for any person from whom the public servant would be prohibited from receiving gifts in accordance with La. R.S. 42:1115(A)(1) or (B). La. R.S. 42:1111(C)(2)(d) would prohibit you from receiving a thing of economic value from a person who has or is seeking to obtain a contractual, business, or other financial relationship with your agency. Your agency is defined as the office in which you carry out your primary responsibilities, if the public servant serves one of the twenty (20) principal departments of the Louisiana State executive branch.

The Bridge Maintenance and Inspection Section of the LaDOTD – Operations Division is your agency. The project, for which Baker HCIS is providing subcontractor services, is not one emanating from a contract with your agency. The contract is one between the City of Ruston and Hunt, Guillot & Associates, LLC. Baker HCIS is also not regulated by your agency. Therefore, Baker HCIS is not a prohibited source.

Additionally, La. R.S. 42:1113(A)(1)(a) provides that no public servant shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant. As stated above, the Bridge Maintenance and Inspection Section of the LaDOTD – Operations Division is your agency. Neither you, your father, or his company are entering into a contract with your agency. Furthermore, the contract between the City of Ruston and Hunt, Guillot & Associates, LLC is not under the supervision of your agency.

#### CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code does not prohibit you from working part-time for your father's company, Baker HCIS, LLC, while



you are employed by the DOTD – Operations Division – Bridge Maintenance and Inspection Section.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct and or to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law.

If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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LaToya D. Jordan  
For the Board

**DISCLAIMER**  
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.  
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.